

III. REMARKS

1. Claims 1-6, 8, 9, 13, 14 and 16-20 are amended.

2. Claims 1-3, 6-9 and 13-20 are patentable under 35 U.S.C. §103(a) over Honkasalo et al. (US 5,995,496, hereinafter "Honkasalo") in view of Li (US 5,673,266) and Whitehead (US 6,157,616).

Claim 1 is amended to recite that one of the blocks comprises data indicating power reduction in the transmission power level of the one block of the downlink data transmission or another block of the downlink data transmission to be transmitted subsequently. This feature is not disclosed or suggested by the combination of Honkasalo, Li and Whitehead.

All that Honkasalo discloses is that the base station measures the quality level from all bursts and attaches the averaged information to the packet that has been collected in the base station based on the bursts transmitted by the terminal device (Col. 8, L. 1-5). Honkasalo does not disclose or suggest data indicating power reduction in the transmission power level of the one block as recited in amended claim 1. Combining Li and Whitehead with Honkasalo does not remedy this deficiency.

Li is silent as to "the blocks" comprising "data indicating power reduction in the transmission power level of the one block of the downlink data transmission or another block of the downlink data transmission to be transmitted subsequently" as recited in claim 1.

Whitehead only discloses that the path gain is computed with reference to a transmitter ID (612) and transmit power level (614) that are encoded into each transmitted packet (610).

Before each packet is transmitted, the transmit power level is computed, fed to the transmitter frontend by signal (344), and stored in field (614) of packet (610). The receiver of the packet divides the received signal strength as the packet is received by the transmit power level (614) encoded in the packet. From the division quotient the receiver can estimate the signal attenuation of the path channel. The path attenuation determined is stored in a memory, in association with the transmitter ID (612) of the station that transmitted the packet. (Col. 7, L. 59 through Col. 8, L. 11).

Therefore, all that Whitehead discloses is that power transmit level is encoded into each transmitted packet and nothing more. There is absolutely no disclosure whatsoever in Whitehead that the power transmit level is "data indicating power reduction in the transmission power level" as recited in Applicant's amended claim 1.

The power transmit level in Whitehead is an absolute value of the transmission power and not a change in the power level as called for in Applicant's claim 1. The use of the data recited in Applicant's claim 1 is more efficient than that in Whitehead because the reduction or change in the transmission power level immediately indicates the relevant change affecting the transmission power level which is governed by the transmitter. In Whitehead, the mere transmission of the power transmit level in the transmitted packet does not expressly or directly indicate a history of the transmission power level. To the contrary, the indication of power reduction, by itself, indicates the relevant history of the transmission power level to the receiver. The receiver is able to adjust, for example, the reception level based on the amount of power reduction (used in combination with

the reference level) regardless of the actual absolute value of the power transmission.

Thus, claim 1 as amended is patentable over the combination of Honkasalo, Li and Whitehead because their combination does not disclose or suggest that one of the blocks comprises data indicating power reduction in the transmission power level of the one block of the downlink data transmission or another block of the downlink data transmission to be transmitted subsequently as recited in claim 1.

Claims 8 and 9 are patentable over the combination of Honkasalo, Li and Whitehead for reasons that are substantially similar to those described above with respect to claim 1. Claims 2, 3, 6, 7 and 13-20 are patentable at least by reason of their respective dependencies.

Further, claim 3 recites that the one block comprises the data indicating power reduction in the transmission power level of the one block. This is not disclosed or suggested by the combination of Honkasalo, Li and Whitehead. Honkasalo is cited in making the rejection of claim 3 but all that Honkasalo discloses is that the base station measures the quality level from all bursts and attaches the averaged information to the packet that has been collected in the base station based on the bursts transmitted by the terminal device (Col. 8, L. 1-5). Honkasalo does not disclose or suggest data indicating power reduction in the transmission power level of the one block as recited in amended claim 3. Therefore, claim 3 is patentable.

Claim 6 is amended to recite that the power reduction in the transmission power level is indicated as a difference with respect to a known reference level. This is not disclosed by the

combination of Honkasalo, Li and Whitehead. Honkasalo is cited in rejecting claim 6 but all that Honkasalo discloses is that the base station calculates the difference of the target level and the measured level. Thus, the difference is calculated after the transmission power level is sent. Therefore, claim 6 is patentable.

Claim 17 recites adding the data indicating power reduction in the transmission power level to the block when the block is transmitted. Claim 17 is patentable over the combination of Honkasalo, Li and Whitehead for reasons that are substantially similar to those described above with respect to claims 1 and 6.

3. Claim 4 is patentable under 35 U.S.C. §103(a) over Honkasalo, Whitehead and Li in view of Hamalainen et al. (US 6,359,904, hereinafter "Hamalainen"), at least by reason of its dependency. Furthermore, Hamalainen is not a proper prior art reference. Both Applicant's invention and Hamalainen, were at the time of Applicant's invention, commonly owned or subject to an obligation of assignment to Nokia Corp. Further, Hamalainen does not qualify as a reference under 35 U.S.C. §102(a)-(d). Thus, pursuant to 35 U.S.C. §103(c), Hamalainen is not a proper prior art reference.

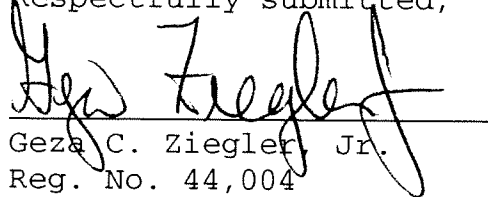
4. Claim 5 is patentable under 35 U.S.C. §103(a) over Honkasalo, Li, Whitehead and Hamalainen in further view of Turina (US 6,031,832) at least by reason of its dependency. Moreover, claim 5 is patentable for the reasons stated above with respect to claim 4 and claim 1.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in

proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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